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Dated: December 16, 2004 Signature: _____

(Grace Yu)

AF/1641
Docket No.: 273102008104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Siu-Yin WONG et al.

Application No.: 10/074,054

Confirmation No.: 9080

Filed: February 11, 2002

Art Unit: 1641

For: IMMUNODIAGNOSTIC DEVICE HAVING A
DESICCANT INCORPORATED THEREIN

Examiner: C. Chin

COMMUNICATION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Advisory Action mailed November 1, 2004 in connection with the above-identified application. An Appeal Brief for this application is due on December 20, 2004. Accordingly, this communication is timely filed.

The Advisory Action states that the response filed October 20, 2004 has been considered and the amendments therein will be entered for purposes of Appeal. The Advisory Action further indicates that the restriction requirement has been maintained and the Office has withdrawn claims 33-39 from consideration. Finally, in the Advisory Action the Office has maintained only the rejection of claims 26-31 under 35 U.S.C. §103.

Applicants are electing to abandon the present application in favor of the continuation patent application filed October 29, 2004. This abandonment is made without prejudice and is not

intended as an abandonment of the subject matter disclosed and claimed in this application or acquiescence to any of the rejections made in this application.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 273102008104. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 16, 2004

Respectfully submitted,

By Karen R. Zachow
Karen R. Zachow, Ph.D.

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/074,054	
	Filing Date	February 11, 2002	
	First Named Inventor	Siu-Yin WONG	
	Art Unit	1641	
	Examiner Name	C. Chin	
Total Number of Pages in This Submission	3	Attorney Docket Number	273102008104

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (2 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 25225	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Karen R. Zachow, P.K.D.		
Date	December 16, 2004	Reg. No.	46,332

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(Grace Yu)